infringement, held that this would not constitute a defense in an action for the price, in view of the fact that defendant had not been disturbed in his physical possession of the books.

Seduction and Subsequent Marriage.—Does the marriage of a female, alleged to have been seduced, to another than the alleged seducer, bar a prosecution against the alleged seducer? This was the question in Morris *v.* State (Court of Appeals of Georgia) 81 Southeastern Reporter, 257, which the court claims, so far as it was able to ascertain, was heretofore never adjudicated. It appears that the offense was committed in May, 1911. The injured female married in July, 1912. Defendant claims that her marriage to another put it beyond his power to contract marriage with her, which under the statute would stop a prosecution for seduction, and that her marriage is therefore a bar to the action against him. The court says: "The provision which allows a seducer to repair to some degree his wrong is an anomaly in the interest of social peace. Under the terms of section 379 of the Penal Code, the law provides a city of refuge for the seducer, not dissimilar to those which existed under the Mosaic law. In the Biblical cities of refuge, the slayer was safe if he reached the city of refuge before the avenger overtook him, but if he was overtaken the provisions for a city of refuge were of no avail to him. And so, in a case of seduction, the case is even stronger; for while the provisions allowing marriage may relieve the seducer from the pains and penalties of law, the statute was primarily designed in the interest of the injured female and of helpless and hapless offspring. The privilege conferred by section 379, so far as the seducer is concerned, is a right only in a qualified sense; for it savors more of the characteristics of a pardon, which is not matter of right, but matter of grace. Of course cases may be imagined where the female alleged to have been seduced might marry so quickly as to deprive one accused of seduction of the privilege of offering marriage as a means of stopping the prosecution. In such a case there might be involved some question as to the bona fides of the offer which should be submitted to a jury. However, such is not the present case. * * * The defendant has the privilege of offering to marry only if the marriage can be legally consummated; and if he delays his proffer of marriage until it is too late, because the female has married, his condition would be the same as if he had already married at the time of the alleged seduction, or as if he had married some one else subsequently to the seduction. * * * The bona fide and continuing offer to marry, which by law stops a prosecution for seduction, must be an offer which is capable of being legally performed; otherwise it affords no defense to one accused of seduction. And, since this provision has its origin in mercy

rather than in the strict justice of the law, it is available only while the accused is still on mercy's ground."

Advertising by Physicians.—In Colorado there is a law which provides that "causing the publication of an advertisement relating to the sexual organs" by a physician shall be an offense. The Supreme Court of Colorado in Chenoweth *v.* State Board of Medical Examiners, 135 Pacific Reporter, 771, holds that the statute is void for a number of different reasons, one of which is stated thus: "Besides, the penalty provided is so grossly excessive and unconscionable as to make the statute repugnant to every sense of justice if not to render it void for such reason. Under its provision a physician who has spent many years and vast sums of money to qualify himself to practice medicine, who has spent many more years in the practice, and thereby established a reputation and a practice worth thousands of dollars to him annually, and yet, if he shall publish an advertisement relating to a disease of the sexual organs, however innocent of wrong may be the intent, he must have all this taken from him, and have the consequent ignominy and contempt heaped upon him in addition. * * * Any person other than a physician may publish such advertisements at will. If such publication tends to injuriously affect the public morals, it is not by reason of the fact that the publication is caused by a physician. The effect is precisely the same whoever may be the publisher. The offense, if it be one, is a public one, equally applicable to all persons. The statute that makes the act an offense only when committed by a physician, and provides an excessive penalty in such case, is clearly discriminatory in that it applies to a class of citizens only, and for that reason alone is void."

"Bite" of Angora Cat as Ground for Recovery of Damages.—The case of Bischoff *v.* Cheney (Conn.), 92 Atl. 660, holds that the fact that an Angora cat strays onto the premises of one not its owner and bites the occupant does not entitle the one receiving the bite to damages for the injury sustained, in an action against the owner of the cat, there being no evidence that the cat was known by its owner to be vicious. The opinion of the court in this case is instructive on the question of the duty towards his neighbors of one owning a cat. A good summary of his duty is contained in the following passage: "The cat is not a species of domestic animals naturally inclined to mischief, such as, for example, cattle, whose instinct is to rove, and whose practice is to eat and trample growing crops. The cat's disposition is kindly and docile, and by nature it is one of the most tame and harmless of all domestic animals. The practical impossibility of preventing trespassing unless it be confined as would be an animal feræ naturæ, the infrequency of dam-